

**City of Warwick Planning Board
Meeting Minutes
Tuesday, October 11, 2011**

Members Present: John J. Mulhearn Jr., Chairman
Philip Slocum
Laura Pisaturo
Cynthia Gerlach
Sue Stenhouse
Vincent Gambardella
James Desmarais

Members Absent: Leah Prata
Thomas Kiernan

Also in attendance: Patricia Reynolds, Business Development Planner
Lidia Cruz-Abreu, Planning Specialist
Richard Crenca, Assistant Principal Planner
Eric Hindinger, Engineer Project Manager
Diana Pearson, City Solicitor

Chairman Mulhearn called the meeting to order at 6:02 P.M.

The September meeting minutes were presented for review and approval. A motion was made by Ms. Laura Pisaturo to approve the September meeting minutes as presented. The motion was seconded by Mr. Slocum and Ms. Gerlach. All voted in favor, none opposed, with Mr. Gambardella and Mr. Desmarais abstaining.

Public Hearing

**City of Warwick
2013-2016 Transportation Improvement Program (TIP) Submission**

The purpose of the public hearing was to consider the City of Warwick 2013-2016 Transportation Improvement Program proposal to the Rhode Island Department of Transportation.

- 1) Route 5 Road Improvements
- 2) Post Road / Route 37 Ramp Improvements.
- 3) Warwick Interlink Roadway Improvements/Enhancements
- 4) Post Road Roadway Improvements.
- 5) Warwick Bicycle Network/Maskerchugg River Bridge
- 6) Conimicut Shoals Lighthouse Improvements

Mr. Richard Crenca presented the City of Warwick Transportation Improvement Program (TIP) Submission Executive Summary and briefly explained the process.

Mr. Crenca explained that the TIP is a compilation of transportation projects that the City would like to see funded by the State which is presented to the State every four years.

Mr. Gambardella had some questions regarding the off-ramp from Rt. 37 onto Post Road and indicated that he believed it was the second highest accident prone area. Mr. Crenca explained that the aforementioned intersection is presently under design for safety improvements.

Ms. Pisaturo asked how many items were on the prior TIP submission. Mr. Crenca explained that there were thirteen projects in the prior TIP submission and four new items have been added.

Mr. Mulhearn further clarified that some of the items on the current TIP have been on the two prior TIP submissions and asked when the Apponaug Circulator project would begin. Mr. Crenca stated that the bypass project will begin in the spring of 2013 and would be approximately a 2.5-3 year construction project.

There was further discussion regarding existing TIP projects, including but not limited to the Rt. 5 Improvements. Mr. Crenca explained that the Rt. 5 Improvements were at 30% design but due to fiscal constraints the design had been put on hold, and that the City along with members of the Pontiac Village Association had met with RIDOT and a letter would be addressed to the Governor and the Director of RIDOT requesting the design continue.

Ms. Gerlach asked how the State determines which City/Town has priority. Mr. Crenca explained that Public Hearings will be held through the State Planning Council and Transportation Advisory Committee. The projects will then be further prioritized based on mobility, economic development, safety, cost effectiveness, environmental impact, and degree of local and state support.

In response to an inquiry from Mr. Slocum, Mr. Crenca explained that TIP funds are 80% Federal 20% State.

On a motion by Mr. Slocum, seconded by Mr. Gambardella, the Planning Board voted unanimously to open the Public Hearing.

Mr. Ed Hrabcsak, President, Pontiac Village Association, explained that the Rt. 5 project is of the utmost importance and has been on the TIP since 1999. The Warwick Mall is in the process of leasing to two high-end retailers, specifically Jordon's Furniture, owned by Warren Buffet, and the "RACK" a division of Nordstrom's. Mr. Hrabcsak stressed that in conversations with Jordon's Furniture there was concern that the inability to make a left hand turn onto Rt. 5 could cause traffic that could impede access to the retailer and negatively impact other retailers at the Warwick Mall, as well as, the Pontiac Mill. Mr. Hrabcsak stressed that in these fiscal times it is imperative that Rt. 5 be made accessible to further economic and job growth in the City.

Being no further questions, Mr. Slocum made a motion to close the Public Hearing, seconded by Ms. Stenhouse, all voted in favor.

Mr. Slocum made a motion, seconded by Ms. Stenhouse, to endorse the TIP Submission as presented and forward a favorable recommendation to Statewide Planning and that the TIP Committee affords serious consideration to the projects as submitted; all voted in favor, none opposed.

Public Informational Meeting

Major Subdivision

Arthur Street & Prince Street

Location:	38 Arthur Street
Applicant:	Greenwich Bay Homes, LLC
Assessor's Plat:	290
Assessor's Lot(s):	75, 78, & 80
Zoning District:	A-7 Residential
Land Area:	26,890 square feet
Surveyor:	Peter V. Cipolla, Jr.
Ward:	2

Mr. K. Joseph Shekarchi, Attorney, represented the project to request Master Plan Approval of a Major Subdivision to reconfigure three (3) lots to create three (3) lots; one (1) 12,800 square foot lot with an existing residence having less than required front yard setback and two (2) new 7,055 square foot lots for development each with less than required frontage and lot width.

Mr. Shekarchi testified that the proposal was to build two single family homes on lots with sufficient land area; however the lots are two (2) feet short of the frontage and lot width requirement. Mr. Shekarchi testified that the homes are for single family use only and not for a group home or community based homes, and that the homes will be consistent with the neighborhood. Additionally, the Applicants have had the opportunity to review the Planning Department's findings, recommendation, and stipulations and are in agreement.

Mr. Slocum asked if there were other undersized lots in the area and Mr. Shekarchi responded that the lots were consistent with the neighborhood and surrounding area.

Mr. Slocum made a motion, seconded by Mr. Desmarais, to open the Public Hearing, all voted in favor.

Ms Debra Lewis, 20 Arthur St. objected to the development. Ms. Lewis stated that the pre-existing non-conforming lots pre-date the Zoning Ordinance; explaining that Section 400 of the Zoning Ordinance states that building on undersized lots can create congestion, overcrowding, contribute to unhealthy conditions, and is contrary to the Zoning Ordinance.

Ms. Lewis questioned if the front-yard and side-yard setbacks would be met.

(At 6:45 pm, Board Member Stenhouse excused herself.)

Mr. Mulhearn asked Mr. Shekarchi if the lots would conform to the front-yard and side-yard setback requirements and Mr. Shekarchi stated that the only relief sought would be the 2 feet-2 inches of frontage and lot width.

Ms. Lewis continued, stating that if the Planning Board allowed the subdivision, the existing house would become non-conforming as well.

Mr. Mulhearn explained that the existing house lot met all of the requirements of the Zoning Ordinance and the existing house is legal, non-conforming and was built prior to the Zoning Ordinance.

Mr. Shekarchi indicated that questions regarding the legal zoning status are more appropriately addressed before the Zoning Board of Review.

Ms. Diana Pearson, City Solicitor, concurred with Mr. Shekarchi's assessment. The Planning Board is to address planning issues and that the zoning questions are to be addressed to the Zoning Board of Review.

Ms. Rosemary Colvin, 33 Arthur Street asked for clarification on the process. Mr. Mulhearn explained that the project was at the Master Plan Phase and, if it received approval, would then proceed to the Zoning Board of Review.

Mr. Shekarchi explained that the application would be heard at the November 8 or December 13 Zoning Board Hearing and that the abutters would receive notice and the notice would also be advertized in the Warwick Beacon.

Mr. Denis Burns, 50 Prince Street, was concerned with the placement of the homes. He was concerned that during snow storms the lots, which are currently vacant, would not be available for snow storage. Additionally, Mr. Burns was concerned that there was no fire hydrant located on Prince Street and that there were several vacant and abandoned homes in the area.

Mr. Hindinger, City Engineer, indicated that he would address with the fire hydrant issue with the Water Division and the Fire Department.

Ms. Lewis added a clarification of Mr. Burns' comments. She explained that vacant and abandoned properties indicated that the market was saturated and building additional homes would add to the existing problem.

Mr. Slocum explained that having new homes sell at a higher value, brings all property values up.

Being no further comments, Mr. Gambardella made a motion to close the public hearing, seconded by Mr. Slocum.

Ms. Reynolds directed the Planning Board to the Planning Department's finding No. 6, which states that the original record plat; "Plat 30 New Bridge Plat" platted in 1873 laid out six (6) 50'X100 lots. Ms. Reynolds further explained that over the years, the area has changed and though no action of the owner the lots have become slightly undersized

Being no comments or questions from the public or the Board, Mr. Mulhearn asked to have the Planning Department's findings, recommendation, and stipulations read into the record, which are as follows:

The Planning Department finds this proposal to be generally consistent with Article 1, "Purposes and General Statements" of the City's Development Review Regulations, and:

1. That the subject property is located at 38 Arthur Street and Prince Street and is identified as Assessor's Plat: 290, Assessor's Lots: 75, 78, & 80.
2. That the subject property consists of three (3) tax assessor's lots totaling 26,890 square feet and is currently zoned Residential A-7.
3. That the applicant proposes to create three (3) lots; one (1) 12,880 square foot lot with an existing dwelling have less than required front yard setback; and two (2) new 7,005 square foot lots for development with less than required frontage and lot width.
4. That the Residential A-7 Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.
5. That the proposed new lots for development each have 7,005 square feet of land area but do not conform to the frontage and lot width requirements, having 67.97 feet per lot instead of the required 70' and therefore require Zoning Board of Review approval to create two new lots with less than the required frontage and lot width.
6. That the original record plat; "Plat 30 New Bridge Plat" platted in 1873 laid out six (6) 50'X100 lots.
7. That the subdivision as proposed is **not in compliance** with the standards and provisions of the City's Zoning Ordinance, therefore, requiring Zoning Board of Review Approval to create two new lots with less than the required frontage and lot width.
8. That in 1958 the Engineering Division dropped three (3) record lots into one (1) tax assessor's lot for tax purposes.
9. That due to the potential for higher than allowed levels of Arsenic in the general area, the applicant retained Theodore F. Low & Associates, Inc, to prepare a Limited Subsurface Investigation.

10. That the aforementioned Limited Subsurface Investigation found that the background levels of Arsenic on the subject lot falls within the limits as established by RI Department of Environmental Management for Arsenic and is acceptable for residential use.
11. That the property will have access to public water and sewer.
12. That the development will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
13. That the proposed development possesses adequate access to a public street.

The Planning Department's recommendation is to grant Master Plan Approval, with the following stipulations:

1. That the North Arrow reference must be based on True North or Magnetic readings, per *Development Review Regulation, Appendix C, Checklist Item # 3*.
2. That the Preliminary/Final plans shall show the approximate location and size of abutting dwellings, per *Development Review Regulation, Appendix C, Checklist Item# 21*.
3. That the applicant shall provide one (1) Bearing, per *Procedural and Technical Standards, Section 3.02 C Paragraph E*
4. That the applicant shall provide a "Street Index", per RIGL 34-13-1.
5. That one (1) Granite Bound per lot and iron rods at the remaining corners, shall be located on the plan and that the proposed Monumentation shall be installed at the locations as shown, prior to the recording of the "Record Plat".
6. That the applicant shall coordinate with the Sewer Authority for connection to Municipal Sewers.
7. That the existing and proposed properties shall be connected to Municipal Sewers, prior to the issuance of a Certificate of Occupancy (CO).
8. That the applicant shall coordinate with the Water Division for connection to Municipal Water.
9. That the existing trees located along the property line of proposed lots A & B and the existing 5" caliper young Oak Tree located on Prince Street shall be noted on the plan and shall be preserved and protected with drip line tree protection.
10. That the applicant shall plant two (2) new 2-2.5" caliper trees, one (1) located in the southwest corner of proposed Lot B and one (1) located along Prince Street. The applicant shall consult with the City's Landscape Project Coordinator regarding specific location and species.

11. That the applicant shall name the record plat.

12. That the applicant shall receive Zoning Board of Review approval to create two new lots with less than the required frontage and lot width.

Mr. Slocum, seconded by Ms. Gerlach, made a motion to formally adopt the Planning Department's finding and recommendation and to grant Master Plan Approval with the Planning Department's findings and stipulations. All voted in favor; none opposed.

Public Meeting

Planning Board Recommendation to the City Council Regarding the Zoning Text Amendment Relating to the Warwick Station Development District

Applicant:	City of Warwick
Location:	Warwick Station Redevelopment District
Assessor's Plats:	(portions of) 278, 279,322, and 323
Assessor's Lots:	All lots located within the Intermodal and Gateway Zones
Existing Zones:	Intermodal, Gateway
Proposed Zone:	No Change to existing zoning, text amendment only

Subsequent to the September 15, 2011 Planning Board meeting, several errors and omission were discovered in the proposed Text Amendment which did not qualify as minor revisions and insignificant edits. These errors were discrepancies between the proposed Code Ordinance and the Zoning Code, Table 1. Use Regulations. These errors were existing and long standing and have been rectified.

The Planning Department asked that the above-referenced be continued to the November Planning Board Meeting to allow Mr. Peter Ruggiero, City Solicitor, more time to review and comment on the revisions.

Being no objections, Ms. Pisaturo, seconded by Mr. Slocum and Mr. Desmarais, made a motion at 7:00 pm to adjourn. All voted in favor; none opposed.